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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/192,674	11/16/98	BAGNI	D PHN-16.762

US PHILIPS CORPORATION  
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QM01/1019

EXAMINER

CHEN, W

ART UNIT

PAPER NUMBER

2624

*10*

DATE MAILED: 10/19/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/192,674

Applicant(s)  
Bagni et al

Examiner  
Wenpeng Chen

Group Art Unit  
2624



- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

- ☒ Claim(s) 1-9 \_\_\_\_\_ is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-9 \_\_\_\_\_ is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been
- ☒ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

***Specification***

2. The disclosure is objected to because of the following informalities.

-- In the specification, the symbol "MVI" ( letter *I*) represents the motion vector of the left 16\*16 block which is "MVI" as shown in Fig. 3. The symbol "MV1" ( numeral 1) represents the motion vector of the upper left 8\*8 block. The "MVI" ( letter *I*) and "MV1" ( numeral 1) can create confusion. Please change "MVI" ( letter *I*) to "MVI."

Appropriate correction is required.

***Claim Objections***

3. Claims 1-9 are objected to because of the following informalities:

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-- The "MVI" ( letter I) and "MV1" ( numeral 1) can create confusion as explained above.

Please change "MV1" ( letter I) to "MVI ."

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 9 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 9 claims a signal comprising motion vectors and prediction errors. The signal is mere data which is non-functional descriptive material and is therefore non-statutory subject matter.

***Claim Rejections - 35 USC § 102***

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by ITU-T Draft H.263 (Video Coding for Low Bitrate Communication, 2 May 1996 listed in the reference.) ITU-T Draft H.263 "Video Coding for Low Bitrate Communication" is published on 2 May 1996. The priority application EPO 97402763.3 (hereafter referred as EPO763.3) has discussed the teaching of ITU-T Draft H.263 as the admitted prior art in sections 2 and 3. To facilitate the following discussion, the Examiner will refer to the priority application EPO 97402763.3 for the teaching of ITU-T Draft H.263 as applicable.

With regard to the coding claims, ITU-T Draft H.263 teaches a device comprising the following means and corresponding steps for:

-- estimating first motion vectors for first objects of size 16\*16; (page 4 in EPO763.3; One motion vector is assigned to a MB. A MH has a size of 16\*16.)

-- filtering the first motion vectors (MV c, MV l, MV r, MV a, MV b) to obtain second motion vectors (MV 1, MV 2, MV 3, MV 4) for second objects (8\*8), the second objects (8\*8) being smaller than the first objects (16\*16); (section 3.1 in EPO763.3; *The weighted average is a filtering process.*) the filtering further comprising:

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- providing x and y motion vector components of a given macroblock and macroblocks adjacent to the given macroblock; (This is inherent to the above filtering process, because the weighted average requires all the recited components.)

- supplying for each block (MV 1) of a number of blocks corresponding to the given macroblock, x and y motion vector components respectively selected from the x and y motion vector components of the given macroblock and from the x and y motion vector components of two blocks (MV 1, MV a) adjacent to the block (MV 1);

- receiving a motion-compensated predictively encoded image signal; (See 1/H.263 and 2/H.263 in ITU-T Draft H.263. The coded signal is received for decoding.)

- generating prediction errors in dependent on the second motion vectors; (Figs. 1 and 4, section 2 in EPO763.3 using the APM and overlapped motion compensation.)

- combining the first motion vectors and the prediction errors. (Fig. 1, section 2 in EPO763.3)

The above passages also teach the signal recited in Claim 9.

With regard to the decoding claims, the priority application EPO 97402763.3 does not recite the teaching of ITU-T Draft H.263. The Examiner refers to ITU-T Draft H.263 for the teaching of the decoding. ITU-T Draft H.263 discloses in section 3 that the system shown in Figures 1/H.263 and 2/H.263 is a codec, namely a coder and a decoder. It further teaches in section 3.2 that the video decoder performs the reverse process of the coder.

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Because Claims 4-7 recite means and steps for performing the reverse process of Claims 1-3, Claims 476 are similarly rejected.

*Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over ITU-T Draft H.263 as applied above and further in view of Hinman (US patent 4,703,350.)

ITU-T Draft H.263 as applied above teaches all the features recited in Claim 8 except the displaying means. ITU-T Draft H.263 further teaches that it is a video coding. It is well known that video signals can be for display.

Hinman teaches means for displaying decoded image signals. (Figs. 1 and 3)

It is desirable to decode a coded signal and display the signal to a user for the user to view the communicated signal for examination or entertainment. It would have been obvious to one of

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ordinary skill in the art, at the time of the invention, to apply Hinman's teaching to display the decoded signal taught in ITU-T Draft H.263, because the combination provides the utility of the coded signal.

*Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wenpeng Chen whose telephone number is (703) 306-2796.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

The art unit fax number is (703) 306-5406.

Wenpeng Chen

October 18, 2000

WENPENG CHEN  
PATENT EXAMINER

